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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Raymond Castillo,

Plaintiff,

V.

Unknown Hill, et al.,

Defendants.

No. CV-25-00476-PHX-JAT (JZB)

ORDER

Following the screening of the Complaint (Doc. 8), the Court permitted this case to go forward against two Defendants: Garcia and Doe. Defendant Garcia answered on July 25, 2025, and the Court issued a scheduling order. (Docs. 15 and 16).

As to Defendant Doe, the Court gave Plaintiff 120 days to discover Defendant Doe's true identity and substitute him/her as a party. (Doc. 8 at 9). Plaintiff failed to meet this deadline and the Magistrate Judge to whom this case was referred issued a Report and Recommendation ("R&R") recommending that Defendant Doe be dismissed without prejudice. (Doc. 27). The R&R further recommends that Plaintiff's untimely Motion Requesting a Court Order/Subpoena be denied (Doc. 20).

Neither party has filed objections to the R&R and the time to file objections has expired. Thus, the Court will accept the R&R. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations *de novo if objection is made*, but not otherwise”).

After the R&R issued, Plaintiff filed a notice/motion to voluntarily dismiss this case. (Doc. 31). Defendant Garcia responded and said he takes no position on Plaintiff's dismissal request. (Doc. 33). Voluntary dismissal with consent of the parties can be accomplished without a Court Order. Fed. R. Civ. P. 41(a)(1)(A)(ii). Here, taking both filings together, the Court finds dismissal to be appropriate. Plaintiff is cautioned, however, that various time limitations apply to his claims. Thus, even though this case will be dismissed without prejudice, his claims could still be barred if he does not refile within the time limits.

Based on the foregoing,

IT IS ORDERED that the R&R is accepted and adopted (Doc. 27); the motion for a subpoena (Doc. 20) is denied. Defendant Doe is dismissed, without prejudice.

IT IS FURTHER ORDERED that Plaintiff's notice/motion for dismissal (Doc. 31) is granted. This case is dismissed, without prejudice, and the Clerk of the Court shall enter judgment accordingly.

Dated this 14th day of November, 2025.


James A. Teilborg
Senior United States District Judge